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LETTER DATED 27 JANUARY 1999 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Upon the instructions of my Government, I am writing to present the position of the Federal Republic of Yugoslavia concerning the issues raised in the letter of the Permanent Representative of the Republic of Croatia to the United Nations, published as a document of the Security Council (S/1999/42) on 15 January 1999.

For the purpose of acquainting you with the situation that is at issue, let me bring to your attention the relevant facts. By its note of 21 December 1998 the Ministry of Foreign Affairs of the Republic of Croatia informed the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia of the intention of the Republic of Croatia to temporarily open the border crossings at Debeli Brijeg (Yugoslavia) and Konfin (Croatia) from 23 December 1998 until the Orthodox New Year (14 January 1999).

In reply, the Ministry of Foreign Affairs of the Federal Republic of Yugoslavia sent a note to the Embassy of the Republic of Croatia, in Belgrade, informing the Embassy that the Federal Republic of Yugoslavia is opposed to a unilateral opening of any border crossing for the reason that opening border crossings between neighbouring countries presumes the existence of a joint agreement designating the location and regime of such crossings. As no such agreement has been concluded between the two countries with respect to Sector South, there is no legal possibility of opening the land border crossing between them.

By its note of 20 January 1999, the Embassy of the Republic of Croatia in Belgrade proposed that the Agreement between the Government of the Federal Republic of Yugoslavia and the Government of the Republic of Croatia on Designating Border Crossings be amended by an exchange of diplomatic notes so as to allow for the opening of border crossings in Sector South. The Embassy of the Republic of Croatia in Belgrade, in the same note, indicated that it would continue to keep open the temporarily opened border crossings. In that connection, a protest was lodged with the Chargé d'affaires of the Embassy of the Republic of Croatia in Belgrade on 22 January 1999.

Irrespective of the motivation behind the letter of the Permanent Representative of Croatia, the Federal Republic of Yugoslavia considers the unilateral decision of the Republic of Croatia to be unnecessary and harmful, while the request for its circulation as a document of the Security Council is viewed as a vehicle to exercise pressure in the ongoing negotiations and to achieve a solution which suits the interests of the Republic of Croatia alone. This all the more so as the negotiations between the two countries will certainly include the question of border crossings, so that unilateral action can only aggravate the overall atmosphere in the relations between the Federal Republic of Yugoslavia and the Republic of Croatia.

The Federal Republic of Yugoslavia continues to believe that the opening of border crossings on land is a subject for negotiation and to be resolved by a bilateral agreement, i.e. of the amendment of the Agreement between the Federal Republic of Yugoslavia and the Republic of Croatia on Designating Border Crossings of 15 September 1997 in this particular case. I want to point out that the Federal Republic of Yugoslavia is not opposed to the creation of conditions for a free flow of people, goods and ideas, but the attempt of the Republic of Croatia to open two border crossings, one of which is located on disputed territory, is tantamount to prejudging the solution of the disputed question of Prevlaka and the outcome of the negotiations which are under way. This is the reason why the Federal Republic of Yugoslavia has rejected the proposal of the Republic of Croatia.

I would be very grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.